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UNITED STATES MAGISTRATE COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 11-71409 MAG
	)	
Plaintiff,	)	<del>PROPOSED</del> ORDER AND
	)	STIPULATION FOR CONTINUANCE
v.	)	FROM FEBRUARY 2, 2012 TO
	)	FEBRUARY 16, 2012 AND EXCLUDING
GIL SILVA,	)	TIME FROM THE SPEEDY TRIAL ACT
	)	CALCULATION (18 U.S.C. §
Defendant.	)	3161(h)(8)(A)) AND WAIVING TIME
	)	LIMITS UNDER RULE 5.1

The parties appeared before Magistrate Judge Ryu on January 19, 2012 and January 24, 2012 and set a preliminary hearing date of February 2, 2012. The parties now believe it is in their best interests to postpone the preliminary hearing date to February 16, 2012, on which date the parties will proceed either with the preliminary hearing or with arraignment on an Information. With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of February 16, 2012 at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from January 24, 2012 to February 16, 2012.

The parties agree, and the Court finds and holds, as follows:

1 1. The defendant is in custody.

2 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §  
3 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into  
4 account the exercise of due diligence.

5 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for  
6 preliminary hearing.

7 4. Counsel for the defense believes that postponing the preliminary hearing is in her  
8 client's best interest, and that it is not in his client's interest for the United States to indict the  
9 case during the normal timeline established in Rule 5.1.

10 5. The Court finds that, taking into the account the public interest in the prompt  
11 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
12 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
13 the Court finds that the ends of justice served by excluding the period from January 24, 2012 to  
14 February 16, 2012 outweigh the best interest of the public and the defendant in a speedy trial. 18  
15 U.S.C. § 3161(h)(8)(A).

16 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
17 hearing or arraignment date before the duty magistrate judge on February 16, 2012 at 9:30 a.m.,  
18 and (2) orders that the period from January 24, 2012 to February 16, 2012 be excluded from the  
19 time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from  
20 Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

21  
22 IT IS SO STIPULATED:

23  
24 DATED: January 31, 2012


\_\_\_\_\_/s/  
KARLI SAGER  
Attorney for Defendant

25  
26  
27 DATED: January 31, 2012

\_\_\_\_\_/s/  
RANDY S. LUSKEY  
Assistant United States Attorney

1 IT IS SO ORDERED.

2 DATED: February 1, 2012

3   
LAUREL BEELER  
United States Magistrate Judge